

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 575 Apalachicola River

SPONSOR(S): Bense

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Procedures		Christian	Randle
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

HM 575 urges the United States Congress to halt dredging of the Apalachicola River and to continue the authority of the United States Army Corps of Engineers (USACE) to perform routine and necessary upkeep of the river's channel markings and lock systems for recreational boating. The memorial requests the USACE to continue environmental and wildlife restoration efforts for the Apalachicola River and Bay.

This Memorial is not expected to have a fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0575.pc.doc

DATE: March 31, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Apalachicola River is located in northwest Florida. It is home to a bottomland hardwood forest, lakes, ponds, wetlands, and sloughs. These sloughs deliver fresh water to tupelo honey trees located in the river basin. The Apalachicola River provides key habitat for one endangered and two threatened species and a large sportfish population. Its waters empty into the Gulf of Mexico where oysters, Gulf shrimp, and blue crab can thrive on the brackish waters.

The USACE is authorized to maintain a 9-foot deep channel for year-round navigational use of the Apalachicola River.¹ The USACE has never been able to maintain a 9-foot channel for year-round navigational use. The USACE has turned instead to the use of a combination of dredging and water releases to provide navigation windows for barge traffic.

Large water releases have caused severe environmental damage to the Apalachicola River. Releases of large quantities of water for navigation windows have drastic effects on fish and wildlife, including one endangered species - the fat three-ridge mussel (*amblema neislerii*) - and two threatened species - the Gulf sturgeon (*acipenser oxyrinchus desotoi*) and the purple bankclimber mussel (*elliptioideus sloatianus*.) Water releases trigger spawning behavior for many fish species, leaving them stranded upstream in backwater areas when the water subsides, resulting in massive fish kills and the loss of future generations of fish. According to a letter dated June 7, 2000 from then-Assistant Secretary of the Army for Civil Works, Joe Westphal, an April 2000 navigation window implemented by the Army Corps of Engineers resulted in an almost complete failure of sportfish spawn along the entire Apalachicola River and reservoirs upstream.

Dredging of the Apalachicola River has destroyed approximately one-quarter of the banks of the Apalachicola River, in some instances leaving giant walls of sand - one of which is known as Sand Mountain.² In a letter to the Florida Department of Environmental Protection dated April 23, 2002 regarding Permit Modification No. 0129424-003, Permit No. 0129424-001-DF, Gulf and Liberty Counties, Site 40 Rejuvenation Modification, the Army Corps measures the height of this mountain at 60 feet, plus or minus 8 feet. The disposal of large amounts of sand in and around the river and its tributaries has choked sloughs, cutting off water supply to surrounding habitat.

¹ Section 203 of the Flood Control Act of 1962 (76 Stat. 1182)

² Mr. Jeffords, from the Committee on Environment and Public Works, submitted the following report to accompany S. 2730, 2002.

The dredging of the Apalachicola River also threatens the local production of tupelo honey – an industry that generates at least \$2.4 million dollars a year in the Florida economy, according to the Florida Department of Agriculture statistics. The many sloughs in the Apalachicola River basin are the main transportation route for fresh water, which is critical to the health of the tupelo trees. Because these sloughs are serving as dredged material disposal sites, fresh water cannot move through the river basin, cutting off the tupelo trees from their only source of water.

Tupelo honey is not the only agricultural impact from the dredging of the Apalachicola River. Fresh water pulses from the Corps' water releases also affect the salinity of brackish water in Apalachicola Bay, which has been recognized by the state of Florida as an Outstanding Florida Water, by the federal government as a National Estuarine Reserve, and by the United Nations as an International Biosphere Reserve. Changes in salinity threaten the largest oyster harvesting area in the Gulf of Mexico which produces 90% of Florida's oysters, one of the principal nurseries for Gulf shrimp and blue crabs, and major commercial fishing operations. Commercial landings of oysters, shrimp, crabs, and finfish, from the Apalachicola Bay contribute an estimated \$80 million to the economy of the State of Florida.

The combination of dredging and low commercial barge traffic makes the Apalachicola River the most expensive USACE river project in the south. The Congressional Budget Office, in its May 1992 report entitled, "Paying for Highways, Airways, and Waterways: How Can Users Be Charged?", estimated that the average cost per ton-mile from 1995-98 is 14.1 cents, almost 24 times more than the cost of the Upper Mississippi River (.597 cents.) The USACE estimates that there is a return of 40 cents for every federal dollar invested in the river. These conclusions are based on the 97 barge movements that occurred in 1998. Since this CBO analysis and the Corps' estimate of 40 cents for every federal dollar invested were completed, barge traffic has fallen to a low of 4 barges in 2001. This change is a 96% reduction in barge traffic between 1998 and 2001, which has resulted in an even higher cost per ton-mile than CBO estimated for the period 1995-1998.

The Apalachicola River was named one of America's most endangered rivers by American Rivers in 2002. Various areas of the Apalachicola-Flint River (ACF) system have been listed as threatened or endangered by American Rivers since 1991. The ACF river project is listed as one of the nation's "Top Ten Most Wasteful Projects" in the report, "Troubled Waters," written by the National Wildlife Federation and Taxpayers for Common Sense in 2000.

Effect of Proposed Changes

The memorial urges the United States Congress to halt dredging of the Apalachicola River and to continue the authority of the USACE to perform routine and necessary upkeep of the river's channel markings and lock systems for recreational boating. The memorial requests the USACE to continue environmental and wildlife restoration efforts for the Apalachicola River and Bay.

C. SECTION DIRECTORY:

Section 1. Provides for a memorial urging the United States Congress to halt dredging of the Apalachicola River and to continue the authority of the United States Army Corps of Engineers to perform routine and necessary upkeep of the river's channel markings and lock systems for recreational boating. The memorial requests the United States Army Corps of Engineers to continue environmental and wildlife restoration efforts for the Apalachicola River and Bay.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The Memorial does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES